



Where ideas connect

Department of Environmental Quality
Division of Solid and Hazardous Waste

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May 1, 2003

Merrill Maughan
Golden Eagle Oil Refinery Inc.
1454 West 1500 South
Woods Cross, UT 84087

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Subject: **PROPOSED STIPULATION AND CONSENT ORDER No. 0010029**
Golden Eagle Oil Refinery, Inc.
UTD070534623

Dear Mr. Maughan:

Enclosed is a revised proposed Stipulation and Consent Order (Consent Order) for your information. The purpose of the proposal is to address outstanding issues and resolve the two Notices of Violation and Orders for Compliance (Nos. 003014 and 0211026) that were issued 24 August 2000 and 10 December 2002, respectively. This document has been modified per discussions you had with the Division on 22 Apr 2003.

The Division will submit the proposed Consent Order for a public comment period of 30 days. If no comments are received from the public during the comment period, the Consent Order will be presented to the Utah Solid and Hazardous Waste Control Board for approval. If you have any questions concerning this document, please contact David S. Wheeler or Cheryl Prawl of the Division at (801) 538-6170.

Sincerely,
Original Doc. Signed by Dennis R. Downs on 4/30/03

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/CLP/kl

c: Lewis Garrett, S.P.R.N., M.P.H., Director of Health, Davis County Health Department Chris Harris, Attorney

Enclosure

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:

PROPOSED STIPULATION AND
CONSENT ORDER

Golden Eagle Oil Refinery, Inc.
1454 West 1500 South
Woods Cross, Utah 84087

UTD070534623

No: 0010029

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This PROPOSED **STIPULATION AND CONSENT ORDER** (CONSENT ORDER) is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Used Oil Management Act (the Act), section 19-6-721, et seq., Utah Code Annotated 1953, as amended.

STIPULATION

1. Golden Eagle Oil Refinery, Inc. (Golden Eagle) is a Utah corporation.
2. Golden Eagle is a "person" as defined in UCA 19-1-103(4) and is subject to all applicable provisions of the Act and the Utah Administrative Code (the Rules).
3. Golden Eagle has registered and obtained a used oil reclaimer [processor] permit (UOP-0001-93), a used oil transporter permit (UOP-0002-93), and a used oil marketer registration (UOR-0059) from the Utah Division of Solid and Hazardous Waste (the Division).
4. On 27-30 September, 4 October, and 15 & 30 December 1999, authorized representatives of the Division visited Golden Eagle to audit its used oil documents. During their visits, the Division representatives discovered several compliance issues, which were subsequently

documented in an audit report of 7 March 2000, entitled *State of Utah Division of Solid and Hazardous Waste Used Oil Audit: Golden Eagle Refinery, Used Oil Permits UOP-0002-93, UOP-0001-93, UOR-0059: January 1998 through July 1999*, issued by Steven L. Schneider, Auditor. The findings in that report led to the issuance of a NOTICE OF VIOLATION (Number 003014) on 24 August 2000.

5. On 28 August 2002, Division inspectors visited Golden Eagle's Woods Cross facility as part of a used oil inspection and documented that Golden Eagle again initiated shipments of used oil from its facility using unpermitted used oil transporters. The inspection findings led to the issuance of a NOTICE OF VIOLATION (Number 0211026) on 10 December 2002.
6. The Board and Golden Eagle (the parties) admit the Board has jurisdiction over this matter.
7. The parties now wish to resolve this matter fully without resorting to administrative or judicial proceedings.
8. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. None of the stipulations related herein shall be considered admissions by any party, other than Paragraph 6 above, and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER.

CONSENT ORDER

- 9.a. In full settlement of the violations alleged in the two NOTICES OF VIOLATION described in items 4 and 5 above, Golden Eagle shall pay a penalty of \$35,500 in 12 quarterly installments to the Utah Department of Environmental Quality, c/o Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board, PO Box 144880, 288 North 1460 West, Salt Lake City, Utah 84114-4880. The first four quarterly payments in the amount of \$1,500 each will be due at the close of business on the 90th day after the effective date of this CONSENT ORDER, and the subsequent payments of \$1,500 will be due the 180th, 270th, 360th day after this effective date. The remaining eight quarterly payments in the amount of \$3,687.50 each will be due at the close of business on the 450th, 540th, 630th, 720th, 810th, 900th, 990th, and 1080th day after the effective date of this CONSENT ORDER until Golden Eagle has paid the full \$35,500 penalty. If the day a payment is due falls on a non-business day, payment is due on the next business day immediately thereafter. If Golden Eagle is delinquent in submitting a quarterly payment, it will be considered to be in violation of this CONSENT ORDER, and may be subject to further enforcement actions.
- b. Golden Eagle will come into full compliance with the analytical and record keeping requirements of R315-15.
- c. Golden Eagle will ensure that all future used oil shipments it initiates are transported by used oil transporters that have received an EPA identification number and a used oil transporter

April 22, 2003

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permit issued by the Division.

10. This CONSENT ORDER shall not in any way relieve Golden Eagle of any obligation to comply with applicable local, state, or federal law.
11. This CONSENT ORDER shall become effective upon execution by Golden Eagle and the Executive Secretary of the Board.

Dated this _____ day of _____, 2003

Golden Eagle Oil Refinery, Inc.

Utah Solid and Hazardous Waste Control Board

By: _____

By: _____

Title _____

Dennis R. Downs
Executive Secretary